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EXAMINER	
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2481	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No.	Applicant(s)	
	10/560,709	SHEN ET AL.	
	Examiner	Art Unit	
	EILEEN ADAMS	2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-42 and 44-55* is/are pending in the application.

5a) Of the above claim(s) *44-50* is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-42 and 51-55* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☒ The drawing(s) filed on *15 December 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *21 April 2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

RESPONSE TO ARGUMENTS

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 21, 2010.

2. The objection to Claims 1 and 42 have been withdrawn in light of Applicant's amendment and remarks dated April 21, 2010.

3. Applicant's amendment and remarks filed April 21, 2010 with respect to the rejections of Claims 1-3, 5-7, 9-10, 14-16, 23-39, and 41-43 under 35 U.S.C. §102(e) and Claims 4, 8, 11-13, 17-22, and 40 under 35 U.S.C. §103(a) have been fully considered but are not persuasive. Accordingly all pending claims including newly amended Claims 51-55 stand rejected.

4. Regarding Applicant's argument:

> "With specific regards to the rejections under 35 U.S.C. § 103(a), none of the cited secondary references cure the deficiencies of the primary '794

> reference. As such, the rejections are primafacie invalid. Moreover, the alleged combinations are not understood as the '794 reference is directed toward selecting between different streams and therefore does not contain both trick play clips and skim play clips arranged and/or used as claimed (e.g., with selected and stored start indicators). Accordingly, modifications that are alleged to correspond to aspects thereof do not make sense. As such each of the rejections under 35 U.S.C. § 103 (a) is improper and Applicant requests that they be withdrawn. Applicant has also introduced new claims 51-55 and submits that these claims should be allowable, for the aforementioned reasons, and are fully supported by Applicant's specification (see, e.g., FIG. 5; paragraphs 40-46, 50-53, published version) [Page 15 paragraph 3 – Page 16 paragraph 1]

Examiner respectfully submits the cited secondary references do cure the deficiencies of the primary '794 reference and therefore the rejections are valid. The '794 reference alone or in combination with the additional cited prior art references are directed toward both trick play clips and skim play clips arranged and/or used as claimed in Applicant's April 21, 2010 amendment. Accordingly, the rejections to said claims stand (See rejection contained herein).

35 USC § 112 Sixth Paragraph

5. MPEP 2181 discloses that a claim limitation will be presumed to invoke 35 U.S.C. 112 6th paragraph if it meets the following 3-prong analysis:

a. the claim limitations must use a non-structural term;

b. the non-structural term must be modified by functional language;

c. the non-structural term must not be modified by sufficient structure, material, or acts for achieving the specified function.

6. **Claims 31-40** disclose limitations which are presumed to invoke 35 U.S.C. 112 6th paragraph as said limitations meet said 3-prong analysis.

7. Regarding **Claim 31, a means for reading portions** is considered to read on Fig. 5 Selector 246 (US 2006/0127035 [0050]); and **means for playing portions** is considered to read on Fig. 5 player 240 (US 2006/0127035 [0050]);

8. Regarding **Claims 32 and 39, means for selecting trick play clips** is considered to read on Fig. 4 Selection unit 204 (US 2006/0127035 [0047]).

9. Regarding **Claim 33, means for decompressing** is considered to read on Fig. 5 Decoder 248 (US 2006/0127035 [0050]).

10. Regarding **Claim 35, means for reading pointers** is considered to read on Fig. 5 Selector 246 (US 2006/0127035 [0050]).

11. Regarding **Claim 39, means for storing the performance** is considered to read on Fig. 4 write head 212 (US 2006/0127035 [0047]).

Claim Rejections - 35 USC § 102

The following is a quotation of 35 U.S.C. 102(e) which forms the basis for all anticipation rejections set forth in this Office action:

(e) A person shall be entitled to a patent unless the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

12. **Claims 1-3, 5-7, 9, 14-16, 23-39, 41-42, 51-53, and 55** are rejected under 35 U.S.C. 102(e) as being anticipated by McLaren et al (US Patent 6,064,794), hereinafter referred to as McLaren.

13. **Regarding claim 1**, McLaren discloses **a method** (see figure 5) **comprising**: **providing a performance for presentation during normal playing of the performance with a predetermined normal speed in a predetermined normal direction, the performance including a multitude of frames** (see column 6, lines 60-62 and figure 4); **storing the performance on a storage medium** (see column 6, lines 60-62 and figure 4);

reading portions of the performance from the storage medium (see column 7, lines 49-51);

selecting, and storing an indication thereof, frames of the multitude of frames as start locations of respective trick play clips, each trick play clip including multiple frames (Fig. 2), **for playing in a trick play mode having a trick play speed different from the normal speed, defining portions**

of the performance between the trick play clips as fast skim clips for skimming in the trick play mode the skim clips alternating with the trick play clips in the normal direction of play (see column 6, line 61 through column 7, line 19 as well as figure 4);

and playing, in response to the stored identification and in the trick play mode, the trick play clips and skimming the fast skim clips between the trick play clips (column 8 lines 55-60)**, the skimming being either skipping of fast skim clips or playing fast skim clips at a substantially higher speed than the trick play clips in the trick play mode the trick play clips being presented at a slower speed than the trick play speed and the fast skim clips being presented at a faster play speed than the trick play speed** (see column 7, line 49 through column 8, line 23 as well as figures 4-5).

14. **Regarding claim 2**, McLaren discloses **the method of Claim 1, in which in the trick play mode, the trick play clips are played at the normal speed** (see column 3, lines 13-15).

15. **Regarding claim 3**, McLaren discloses **the method of Claim 1, in which in the trick play mode, the trick play clips are played at faster than normal speed which can be understood by the audience** (see column 2, lines 45-55).

16. **Regarding claim 5**, McLaren discloses **the method of Claim 1 in which: the performance includes video, the frames include video frames, and the trick play clips and fast skim clips include video clips; and in the trick play mode**

the trick play video clips are presented at less than about 8 times the normal speed so the video clips can be understood by the audience (see column 2, lines 45-55).

17. **Regarding claim 6**, McLaren discloses **the method of Claim 5 in which when one of the trick play video clips is played in the trick play mode, multiple video frames of the trick play video clips are skipped and multiple other video frames of the trick play video clip are played** (see column 6, line 61 through column 7, line 19 as well as figure 4)

18. **Regarding claim 7**, McLaren discloses **the method of Claim 5 in which the trick play video clips are selected during an authoring process prior to storing the performance so that the trick play video clips contain logically related portions of video** (see column 4, lines 19-30; column 6, lines 30-34; and figure 3).

19. **Regarding claim 9**, McLaren discloses **the method of Claim 7 in which the trick play audio clips are selected during an authoring process prior to storing the performance so that the trick play clips contain meaningful portions of audio** (set forth in claim 7 above wherein it is well known in the art that in MPEG streams audio is interleaved with video)**.**

20. **Regarding claim 14**, McLaren discloses **the method of claim 1 in which:**

the performance is a multimedia performance and the frames includes frames of at least two types of media (video and audio – See said analysis for Claim 9) **and the trick play clips and the fast skim clips each**

include clips of at least two different types of media (See said analysis for Claim 9)**; and for each of the at least two types of media, the respective trick play clips for that media are sufficiently long and presented at a sufficiently low speed that they can be understood by the audience** (See said analysis for Claim 5)**.**

21. **Regarding claim 15**, McLaren discloses **the method of claim 1 in which the trick play clips start at different positions for the different media** (see column 3, lines 36 through column 4, line 24 as well as table 2).

22. **Regarding claim 16**, McLaren discloses **the method of claim 14 in which the performance includes audio and video** (See said analysis for Claim 9)**, the frames include audio frames and video frames** (See said analysis for Claim 9)**, and the trick play clip and fast skim clips include audio clips and video clips** (See said analysis for Claim 1 and Claim 9).

23. **Regarding claim 23**, McLaren discloses **the method of Claim 1 in which there are trick mode entry points at intervals of multiple frames in the stored performance, and the trick play clips are selected to begin at respective trick mode entry points, but not at every trick mode entry point** (see column 3, line 36 through column 4, line 24).

24. **Regarding claim 24**, McLaren discloses **the method of Claim 23 in which the performance includes video and the stored video is encoded into groups of pictures** ("Each trick-play and normal-play streams should comprise relatively uniform, short group of pictures GOP" [col. 3, lines 30-33])**, and a trick mode entry point is at the beginning of each group of pictures and a trick mode exit point is at the end of every picture** ("for MPEG streams, the entry points into a new stream are limited to those points where a sequence.sub.-- header exists, which is typically at an I frame at the beginning of a group of pictures (GOP). It is further complicated by the fact that the duration of the real display time of a GOP ... frames can be produced by a single GOP than there are coded `pictures` within the GOP" [col. 3, lines 49-59] [Fig. 2]).

25. **Regarding claim 25**, McLaren discloses **the method of Claim 23 in which the positions of trick play clips are determined prior to storing the performance and pointers to the trick play clips are stored an the same storage medium as the performance** (see column 7, lines 30-37 as well as figure 4).

26. **Regarding claim 26**, McLaren discloses the method of claim 25 **in which pointers to the trick play clips are stored in a table that is separate from the performance** (see column 7, lines 16-19 as well as figure 4).

27. **Regarding claim 27**, McLaren discloses **the method of Claim 1 in which the length of the fast skim clips are more than 2 times the length of the trick play clips, the length being measured in numbers frames** (see column 4,

lines 26-47, table 2, as well as figure 2, wherein if the reproduction is at 10X then only one out of every ten frames will be decoded and therefore the number of frames in the fast skim clips, i.e. the length, will automatically be longer than the trick play clips).

28. **Regarding claim 28**, McLaren discloses **the method of Claim 1 in which the length of the trick play clips are user adjustable after storing the performance** (see column 7, line 49 through column 8, line 23 as well as figures 4-5).

29. **Regarding claim 29**, McLaren discloses **the method of Claim 1 in which the length of the fast skim clips are user adjustable after storing the performance** (see column 7, line 49 through column 8, line 23 as well as figures 4-5).

30. **Regarding claim 30**, McLaren discloses **the method of Claim 1 in which the speed for playing the trick play clips is user adjustable after storing the performance** (see column 7, line 49 through column 8, line 23 as well as figures 4-5).

31. **Regarding claim 31** McLaren discloses **A player comprising** (Fig. 4): **means for reading portions of a stored performance from a storage medium** (control 50 – Fig. 4)**, the performance including a multitude of sequential frames for presentation during normal playing of the**

performance in a predetermined normal direction at a predetermined normal speed (See said analysis for Claim 1),

the performance being divided into trick play clips for playing in a trick play mode each trick play clip including multiple frames, and other fast skim clips for skimming in the trick play mode (See said analysis for Claim 1);

and means for playing portions of the performance in the trick play mode (Fig. 4 – remote control 525), **the trick play mode including playing trick play clips and skimming fast skim clips between the trick play clips** (See said analysis for Claim 1), **multiple trick play clips and fast skim clips each containing multiple subsequent frames of the performance, the trick play clips alternating with the fast skim clips in the normal frame presentation order** (See said analysis for Claim 1);

the skimming being either skipping of fast skim clips or playing fast skim clips at a substantially higher speed than the trick play clips in the trick play mode, the average speed of the playing and skimming in the trick play mode being substantially different than the normal speed, the trick play clips being sufficiently long and being presented at a sufficiently low speed so that the content of the trick play clips can be understood by a human audience (See said analysis for Claim 1).

32. **Regarding claim 32**, McLaren discloses **the player of Claim 31** further comprising **means for selecting** (control 50 – Fig. 4) **the trick play clips and fast skim clips during the playing in the trick play mode** (see column 3, lines 24-26).

33. **Regarding claim 33**, McLaren discloses **the player of Claim 31 in which the stored performance is compressed and the player further comprises means for decompressing the portions of the performance read from the storage medium** (see column 2, lines 45-55; column 3, lines 21-22; and figure 4).

34. **Regarding claim 34**, McLaren discloses **the player of claim 33 in which portions of the fast skim clips are not decompressed during the playing in the trick play mode** (see column 3, line 60 through column 4, line 25; wherein by skipping to a new stream the fast skim clips are not read and are therefore not decompressed).

35. **Regarding claim 35**, McLaren discloses **the player of claim 31 further comprising means for reading pointers to the trick play clips from the storage medium, the playing of the trick play clips during the trick play mode depending on the pointers** (see column 5, line 45 through column 6 line 9).

36. **Regarding claim 36**, McLaren discloses **The player of claim 35 in which the reading of portions of the stored performance also depending on the stored pointers** (see column 5, line 45 through column 6 line 9).

37. **Regarding claim 37**, McLaren discloses **The player of claim 35 in which the performance is compressed and the player further comprises means for decompressing portions of the performance** ("video material is read or replayed from the video server to the user's decoder, the server may be switched between the various streams in response to user instructions ...the user may select, via a remote control command, the highest fast-forward speed to rapidly locate a particular point in the material. The fast-forward control command results in the server readout address jumping, from the current location in the normal-play stream to the corresponding appropriate point within the 21.times. fast-forward stream and continue playing" [col. 3, lines 23-31])**, and the decompressing depends on the stored pointers to the trick play clips** (see column 5, line 45 through column 6 line 9)**.**

38. **Regarding claim 38**, McLaren discloses **the player of claim 31 further comprising a play unit for presenting the decompressed portions of the performance to an audience** (see figure 4, item (1000) labeled 'display').

39. **Regarding claim 39**, McLaren discloses **a recorder comprising**:

an input for receiving a performance, the performance including a multitude of sequential frames for presentation during normal playing of the performance in a predetermined normal direction at a predetermined normal speed (see column 6, lines 35-62 and figure 4);

means for selecting trick play clips of the stored performance for playing in a trick play mode (Fig. 4 – control 50)**, portions of the performance between the trick play clips being defined as fast skim clips for skimming in the trick play mode, multiple trick play clips and fast skim clips each clip containing multiple sequential frames** (See said analysis for Claim 1)**,**

the trick play clips alternating with the fast skim clips in the normal frame presentation order (Fig. 2)**,**

the trick play mode including playing the trick play clips and skimming the fast skim clips between the trick play clips (See said analysis for Claim 1 – Fig. 2)**, the skimming including either skipping of fast skim clips or playing fast skim clips at a substantially higher speed than the trick play clips in the trick play mode** (See said analysis for Claim 1)**,**

the average speed of the playing and skimming in the trick play mode being substantially different than the normal speed, the trick play clips being sufficiently long and being presented at a sufficiently low speed so that the content of the trick play clips can be understood by a human audience (see column 6 line 61 through column 7 line 19; column 7, line 49 through column 8, line 23; as well as figure 4);

means for storing the performance on a storage medium (Fig. 4 – control 50) **and storing indications of the positions of the trick play clips on the storage medium, the indications of the positions of the trick play clips defining which portions of the performance are trick play clips and which**

portions of the performance are fast skim clips (see column 7, lines 31- 37 as well as figure 4).

40. **Regarding claim 41** McLaren discloses **A method comprising: providing a performance including a multitude of sequential frames for presentation during normal playing of the performance in a predetermined normal direction at a predetermined normal speed** (See said analysis for Claims 1, 31 and 39)**; selecting trick play clips of the stored performance for playing in a trick play mode each trick play clip including multiple frames** (See said analysis for Claims 1, 31 and 39)**, portions of the performance between the trick play clips being defined as fast skim clips for skimming in the trick play mode** (See said analysis for Claims 1, 31 and 39)**, multiple trick play clips and fast skim clips each containing multiple sequential frames** (See said analysis for Claims 1, 31 and 39)**, the trick play clips alternating with the fast skim clips in the normal frame presentation order, the trick play clips being sufficiently long so that the content of the trick play clips can be understood by a human audience when playing the trick play clips and skimming the fast skim clips between the trick play clips** (See said analysis for Claims 1, 31 and 39)**, the skimming being either skipping of fast skim clips or playing fast skim clips at a substantially higher speed than the trick play clips in the trick play mode** (See said analysis for Claims 1, 31 and 39)**, the average speed of the playing and**

skimming in the trick play mode being substantially faster than the normal speed (See said analysis for Claims 1, 31 and 39)**;**

storing the performance on a storage medium along with indications of the positions of the trick play clips which define which portions of the performance are trick play clips and which portions of the performance are fast skim clips (See said analysis for Claims 1, 31 and 39)**.**

41. **Regarding claim 42** McLaren discloses **A computer readable, non-transitory transmission medium storing data that when executed by a processor perform the steps of** (See said analysis for Claims 1, 31 and 39)**:**

displaying a performance including a multitude of sequential frames for presentation during normal playing of the performance in a predetermined normal frame presentation order at a predetermined normal speed see figure 4, item (1000) labeled 'display'**,**

displaying the performance including trick play clips for playing in a trick play mode each trick play clip including multiple frames see figure 4, item (1000) labeled 'display'**, portions of the performance between the trick play clips being defined as fast skim clips for skimming in the trick play mode, multiple trick play clips and fast skim clips each containing multiple sequential frames** (See said analysis for Claim 1)**,**

the trick play clips alternating with the fast skim clips in the normal frame presentation order, the trick play clips being sufficiently long so that

the content of the trick play clips can be understood by a human audience when playing the trick play clips and skimming the fast skim clips between the trick play clips, when the skimming includes either skipping of fast skim clips or playing fast skim clips at a substantially higher speed than the trick play clips in the trick play mode, the average speed of the playing and skimming in the trick play mode being substantially faster than the normal speed; and displaying a performance in response to indications of the positions of the trick play clips which define which portions of the performance are trick play clips and which portions of the performance are fast skim clips (See said analysis for Claims 1, 31 and 39).

42. **As per Claim 51** McLaren discloses **A video player comprising:**

an input for accessing a performance having a plurality of sequential image frames and stored on a non-transitory storage medium (See said analysis for Claim 31)**; and a controller configured and arranged to play the performance in a normal play mode that is at a normal speed** (Fig. 4 control 50)**; and play the performance in a trick play mode that is at a trick play speed that is faster than the normal speed and that is achieved by playing a plurality of trick play clips, each clip containing a plurality of image frames, at a speed slower than the trick play speed; and playing, between each of the trick play clips, a fast skim clip at a speed faster than the trick play speed** (See said analysis for Claims 1 and 31).

43. **Regarding Claim 52** McLaren discloses **The video player of claim 51, wherein the controller is further configured and arranged to locate the trick play clips by accessing trick play clip positional indications stored on the non-transitory storage medium** (Fig 2; "The trick-play speeds of 2 and 10 times are selected for illustration simplicity. At the instant of user trick-play selection or switching time, the normal play image stream is at frame number 20. Possible entry points into each of the three streams are determined by sequence headers which are depicted by darkened frames in FIG. 2, and typically begin a group of pictures GOP" [column 3, line 36 through column 4, line 24])**.**

44. **Regarding Claim 53** McLaren discloses **the video player of claim 51, wherein the controller is further configured and arranged to locate the trick play clips by accessing a table of pointers providing trick play clip positional indications** (see column 5, line 45 through column 6 line 9)**.**

45. **Regarding Claim 55** McLaren discloses **The video player of claim 51, wherein the controller is further configured and arranged to locate the trick play clips by accessing trick play clip positional indications stored on the non-transitory storage medium and indicating a start and a stop of the trick play clips** (in at least Figs. 2, 4 and 5; See said analysis for Claims 24 and 53)**.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

46. **Claims 4, 10-12, 18-19, 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaren et al (US Patent 6,064,794), hereinafter referred to as McLaren, in view of Gupta et al (US Patent 7,313,808), hereinafter referred to as Gupta

47. **Regarding claim 4**, McLaren discloses **the method of Claim 1**,

McLaren does not disclose but Gupta discloses **in the trick play mode, the fast skim clips are played at least twice as fast as the trick play clips** (see column 4, lines 40-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trick-play control for pre-encoded video of McLaren to include **in the trick play mode, the fast skim clips are played at least twice as fast as the trick play clips**, as taught by Gupta, for the purpose of maintaining intelligibility of a video presentation during a fast-reproduction operation whereby The system allows a viewer, upon playback, to select both time scale modification and skimming levels pertaining to both audio

and video playback for enhanced time scale modification techniques. Skimming is performed using segmentation data corresponding to the program being played which indicates the critical portions of the program--those portions that should be included in a "condensed" or "summarized" version of the program. Gupto teaches a set-top box uses this data to select appropriate portions for playback when the user requests skimming.

48. **Regarding claim 10**, McLaren discloses **the method of Claim 7 in which the performance includes video at a normal video speed, and in the trick play mode, a trick play speed is a different than the normal video speed** (See said analysis for Claim 1).

McLaren does not disclose but Gupta discloses **and the trick play video speed is different that a trick play audio speed** (column 4, lines 40-65) (The rationale and motivation that Applied in Claim 4 applies equally to Claim 10).

49. **Regarding claim 11**, McLaren discloses **the method of Claim 10**,

McLaren does not disclose but Gupta discloses **in which the video speed is less than the normal video speed to provide slow motion trick play mode and the audio speed is substantially normal during the slow motion trick play mode** (see column 4, lines 40-65; and column 8, lines 50-57). (The

rationale and motivation that Applied in Claim 4 applies equally to Claim 11)

50. **Regarding claim 12** McLaren discloses **The method of claim 10 in which the video speed is faster than normal to provide fast motion trick play mode** (See said analysis for Claim 1)

McLaren does not disclose but Gupta discloses **and the audio speed is substantially normal audio during the fast motion trick play mode** (The rationale and motivation that Applied in Claim 4 applies equally to Claim 12).

51. **Regarding claim 18** McLaren discloses **the method of claim 16**

McLaren does not disclose but Gupta discloses **in which the trick play audio clips and trick play video clips are at the same positions in the performance** (Claim 9) (The rationale and motivation that Applied in Claim 4 applies equally to Claim 18)

McLaren discloses **and both are played at the same multiple of their respective normal speeds in the trick play mode** (See said analysis for Claim 9) (The rationale and motivation that Applied in Claim 4 applies equally to Claim 18).

52. **Regarding claim 19** McLaren discloses **The method of claim 18**

McLaren does not disclose but Gupta discloses **in which the trick play audio clips and trick play video clips are both played at their respective**

normal speeds (Claim 9) (The rationale and motivation that Applied in Claim 4 applies equally to Claim 19)

53. **Regarding claim 21** McLaren discloses **The method of claim 16**

McLaren does not disclose but Gupta discloses **in which the trick play audio clips and trick play video clips are both played at a different multiple of their respective normal speeds** (See rationale and motivation as applied in Claims 11 and 12)**.**

54. **Regarding claim 22** McLaren discloses **The method of claim 21**

McLaren does not disclose but Gupta discloses **in which the audio portions are presented at a lower speed above normal speed than the video portions** (See rationale and motivation as applied in Claims 11)**.**

55. **Claims 8, 17, 20, and 54** are rejected under 35 U.S.C. 103(a)as being unpatentable over McLaren et al (US Patent 6,064,794), hereinafter referred to as McLaren, in view of Birmingham et al (US Patent 6,868,224), hereinafter referred to as Birmingham.

56. **Regarding claim 8** McLaren discloses **the method of Claim 1 in which:**

the performance includes audio, the frames include audio frames, and the trick play clips and fast skim clips each include audio clips; in the trick play mode the fast skim audio clips are skipped (see column 2, lines 45-55 as well as the rejection of claim 1 above).

McLaren does not disclose but Birmingham discloses **for multiple trick play audio clips, none of the frames of the trick play audio clip are skipped in the trick play mode; in the trick play mode, the trick play audio clips are played less than about 3 times the normal speed so the audio clips can be understood by the audience** (see column 2, line 66 through column 3, line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trick-play control for pre-encoded video of McLaren to include **for multiple trick play audio clips, none of the frames of the trick play audio clip are skipped in the trick play mode; in the trick play mode, the trick play audio clips are played less than about 3 times the normal speed so the audio clips can be understood by the audience**, as taught by Birmingham to provide a method and apparatus for enhancing the ability to ascertain a desired location of a multimedia presentation is advantageous where the system further enhances the ability of a user to ascertain the present location in a multimedia presentation during a trick play operation and this would be an obvious improvement to the trick play system disclosed in McLaren.

57. **Regarding claim 17** McLaren discloses **the method of claim 16**

McLaren does not disclose but Birmingham discloses **in which in the trick play mode, the trick play audio clips are presented at less than about**

3 times the normal audio speed (See rationale and motivation as applied in Claim 8)

McLaren discloses **and the trick play video clips are presented at less than about 8 times the normal video speed** (See said analysis for Claim 5).

58. **Regarding claim 20**, McLaren discloses **the method of claim 16**

McLaren doe not disclose but Birmingham discloses **in which the trick play audio clips are played at the normal audio speed and the trick play video clips are played at a faster than normal video speed** (see column 3, lines 38-67) (The motivation that was applied in Claim 4 applies equally to Claim 20)

59. **Regarding claim 54**, McLaren discloses **The video player of claim 51, wherein the performance includes media other than video** (See said analysis for Claim 9)

McLaren doe not disclose but Birmingham discloses **and wherein the controller is further configured and arranged to, after the start of a trick play mode, delay playing of the media other than video** (audio as the media other than video "determining where within the multimedia presentation the playback currently is located. In another embodiment, the audio playback portion of the multimedia presentation can be buffered such that only intermittent portions of the audio are played back in such a manner that is audible to an end

user in determining where in the multimedia presentation the playback" [Abstract]) **until a trick play entry point is reached for the media other than video** (See rationale and motivation as applied to Claim 8)**.**

60. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaren et al (US Patent 6,064,794) in view of Gupta et al (US Patent 7,313,808), as applied to **Claims 4, 10-12, 18-19, 21-22,** and further in view of Birmingham et al (US Patent 6,868,224)

61. **Regarding claim 13** McLaren discloses **the method of claim 10**

McLaren and Gupta do not disclose but Birmingham discloses **in which the video direction is the reverse of the normal direction to provide a reverse motion trick play mode and the trick play audio clips are provided in reverse order but the contents of the audio clips are played in the normal direction so the audio clips can be understood during the reverse motion trick play mode** (see column 4, lines 51-59 and column 5, lines 37-49) (The motivation that applied in Claim 4 applies equally to Claim 13)

62. **Claim 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaren et al (US Patent 6,064,794), hereinafter referred to as McLaren, in view of Lane et al (US Patent 6,141,486), hereinafter referred to as Lane.

63. **Regarding claim 40** McLaren discloses **the recorder of claim 39**,

McLaren does not disclose but Lane discloses **in which the storage medium is a tape and recorder is a tape recorder and the indications of the positions of the trick play clips are pointers that are stored on the tape at a position that is different than the position that the performance is stored on the tape** (see column 21, line 34 through column 22, line 32 as well as figure 8a-8b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trick-play control for pre-encoded video of McLaren to include **the storage medium is a tape and recorder is a tape recorder and the indications of the positions of the trick play clips are pointers that are stored on the tape at a position that is different than the position that the performance is stored on the tape**, as taught by Lane, for the purpose of reducing the decoding burden on a video tape recorder.

Conclusion

64. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen Adams whose telephone number is (571) 270-3688. The examiner can normally be reached on Monday-Friday from 7:00-4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The

fax phone number for the organization where this application or proceeding is assigned is 571-270-4688.

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/EILEEN ADAMS/
Examiner, Art Unit 2481

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2481